

Practitioner's Docket No. SST/1070

EV 073 888 922

EV 183 64 877 94
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mueller, Lee W.

Application No.: 09/603,727

Group No.: 36357627 CMC 8/24/02

Filed: June 23, 2000

Examiner: Chilcot, R. E.

For: Pre-Assembled Internal Shear Panel

Box- RCE

Commissioner for Patents

Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. Sections 1.8(a) and 1.10*

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37 C.F.R. section 1.8(a)

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Charles R. Cypher

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List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of Non-English Language Listed Information Items
5. Translation(s) of Non-English Language Documents
6. Identification of Person(s) Making This Information Disclosure Statement

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Section 1. Preliminary statements

EV 183 648 779

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

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Section 2. Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)

(Insert form(s) PTO/SB/08A [Form 6-2] and/or form(s) PTO/SB/08B [Form 6-2.1].)

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Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

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Section 4. Concise Explanation of Non-English Language List Information Items**CH 419526 Biggi**

According to the translation, Biggi '526 teaches a method of constructing the walls of a building from prefabricated panel units. The panel units are installed side-by-side. The panel units consist of two panels sandwiching strips placed near the edges of the panels. The panels are attached to each other by means of L-shaped metal tracks at their base, and U-shaped tracks along the top edges of the panel units. The panels share similar structural characteristics with the shear-resisting assembly of the present invention.

JP 03-208936 Okabe

According to the translation available to the Applicant, this published application relates to the construction of "frame-built houses, wherein a structural body is built using columns, beams, etc., and panels are mounted to the structural body." Section 3, Detailed Description of the Invention [Prior Art].

The application describes the prior art which teaches that in so-called "frame-built houses a steel outer frame *a* fitted with diagonal braces *b* to form so-called load-bearing panel C (shown in FIG. 4) has typically been used to increase the durability and strength of the house." Section 3, Detailed Description of the Invention [Prior Art].

The subject matter of JP 03-208936 is an improved wall panel or load-bearing panel for such a frame-built house. The wall panel of this application comprises "long upper and lower members joined by vertical members". Additionally, the wall panel "is furnished with a framework having a reinforcing section comprising parallel middle members connected to said upper and lower members and braces connected diagonally between said middle members." Section 3, Detailed Explanation of the Invention [Means of Solving the Problems].

It appears that great importance is also placed on the wall panel additionally being provided with "fittings for coupling with the structural body of the house." See claim 1. These fittings are disposed on the upper and lower members of the wall panel. The fittings are positioned "in the vicinity of where the ends of said middle members are connected and at positions removed from said ends in directions away from the reinforcing section." Section 3, Detailed Explanation of the Invention [Means of Solving the Problems].

The above-mentioned pairs of fittings can be used in the alternative, depending on whether the wall is located on the lowest level of the house or on an upper level. Section 3, Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "the same kind of fitting 23, 24 . . . on the top and bottom of [the] vertical members 4, 4 and joint member 17." Section 3, Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "face members 14, 15 . . . on the front and back of vertical members 4, 4, middle members 5, 5 and joint members 16, 17 with wooden lining members 19, which are relatively thin and long in the vertical direction disposed in-between."

JP 09-256738 Kenchiku

This reference appears to teach inserting a designated shear resisting assembly into a building wall constructed from horizontal top and bottom plates and vertically-arranged studs. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 09-273214 Shimizu

This reference appears to teach inserting a designated shear-resisting assembly into a building wall. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 10-140653 Okawa

The panels of this patent appear to share similar structural characteristics with the shear-resisting assembly of the present invention, and appear to be designed to resist lateral loading, although it appears that this is a method for constructing an entire wall out of such panels, rather than inserting such panels into selected portions of the wall built from elongated members. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 10-184076 NKK

This reference appears to teach inserting a designated shear-resisting assembly into a building made from posts or pillars and beams. The World Patents Index English-language abstract is provided because a full translation is not readily available.

EV 183648779

Section 5. Translation(s) of Non-English Language Documents

EV 073888922

Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

CH 419526 Biggi
JP 03-208936 Okabe

World Patents Index English-language abstracts are provided for the following references:

JP 09-256738 Kenchiku
JP 09-273214 Shimizu
JP 10-140653 Okawa
JP 10-184076 NKK

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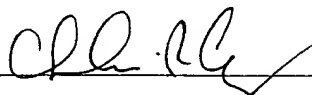
Section 6.

Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: 8-26-02



Charles R. Cypher
Registration No. 41694
Law Offices of James R. Cypher
405 14th Street
Suite 1607
Oakland, CA 94612
510-832-4111
Customer No. 498



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

of

Complete if Known

Application Number	09/603,727
Filing Date	06/23/2000
First Named Inventor	Lee W. Mueller
Group Art Unit	3635
Examiner Name	Chilcot, R.
Attorney Docket Number	SST/1070

U.S. PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		140,526		S. B. Munson, Jr.	07/01/1873	
		328,185		C. Butcher	10/13/1885	
		390,732		E. J. Weston	10/09/1888	
		673,558		D. R. Kline	05/07/1901	
		1,604,605		F. L. Purdy	10/26/1926	
		1,607,166		B. B. McCall	11/16/1926	
		1,622,962		C. L. Michod	03/29/1927	
		1,689,642		G. W. Rappleyea	10/30/1928	
		1,719,200		J. Schumacher	07/02/1929	
		1,742,045		R. Menes	12/31/1929	
		1,849,273		J. C. Broderick	03/15/1932	
		1,895,667		H. Junkers	01/31/1933	
		1,997,809		H. Cole	04/16/1935	
		2,010,971		W. S. Thomson	08/13/1935	
		2,020,988		J. Balletta	11/12/1935	
		2,063,010		B. E. Balduf	12/08/1936	
		2,076,728		H. H. Keller	04/13/1937	
		2,080,593		C. P. Albert	05/18/1937	
		2,089,023		H. W. Hahn	08/03/1937	
		2,124,519		E. H. Pierson et al.	07/19/1938	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
			AU-A-23306/95		P. P. Tongiatama	11/01/1996		
			AU PM6487		P. P. Tongiatama	06/28/1994		
			AU 715517		P. P. Tongiatama	11/01/1996		
			CA 2196869		A. J. Paul et al.	02/01/1996		
			CH 419526		E. Biggi	03/15/1967		
			JP 09-256738		J. Kenchiku System	09/30/1997		
			JP 09-273214		Shimzu	10/21/1997		
			JP 10-140653		T. Okawa	05/26/1998		
			JP 10-184076		NKK Corp.	07/14/1998		
			NZ 186060		D. S. Napier	11/04/1980		

 Examiner
 Signature

Date

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ² (if known)			
		2,137,767		D. S. Betcone	11/22/1938	
		2,154,520		H. J. Mackin	04/18/1939	
		2,160,225		J. J. Newman	05/30/1939	
		2,180,830		R. G. Le Tourneau	11/21/1939	
		2,193,550		T. H. Coe, Jr.	03/12/1940	
		2,254,190		C. B. Ricken	08/26/1941	
		2,256,394		E. G. Lamel	09/16/1941	
		2,278,331		G. R. Meyercord	03/31/1942	
		2,281,185		F. Forster	04/28/1942	
		2,445,491		E. J. Moloney	07/20/1948	
		2,457,964		J. McC. Wyche	01/04/1949	
		2,633,610		D. E. Hervey	04/07/1953	
		2,743,980		F. Hobbs	05/01/1956	
		2,803,856		D. C. Kofahl et al.	08/27/1957	
		2,856,646		E. W. Latimer et al.	10/21/1958	
		3,037,593		C. L. Webster	06/05/1962	
		3,133,322		D. D. Douglas	05/19/1964	
		3,160,245		J. Pavlecka	12/08/1964	
		3,206,903		W. G. Johnson	09/21/1965	
		3,304,675		E. Graham-Wood et al.	02/21/1967	

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
			NZ 221612		W. Murphy	03/26/1993		
			JP 03-208936		M. Okabe	09/12/1991		

Examiner
Signature

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Sheet 1 of 1

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